

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 1:21-MJ-397
)	
STUART CLAY MCDONALD,)	<u>UNDER SEAL</u>
)	
Defendant.)	
_____)	

**AFFIDAVIT IN SUPPORT OF A
CRIMINAL COMPLAINT AND ARREST WARRANT**

I, Marc Hess, being duly sworn under oath, do hereby depose and state:

INTRODUCTION

1. I am a Special Agent with the Federal Bureau of Investigation and have been since December 10, 2010. I am currently assigned to Squad CR-5 in the FBI's Washington Field Office, which conducts investigations targeting organized criminal enterprises. In the course of conducting these investigations, I have been involved in the use of investigative techniques which include, but are not limited to, the following: interviewing informants and cooperating witnesses; conducting physical surveillance; consensual monitoring and recording of both telephonic and non-telephonic communications; analyzing telephone pen register and caller identification system data; conducting court-authorized electronic surveillance; examining electronic devices and media; and preparing and executing search warrants. As a federal agent, I am authorized to investigate the violations of laws of the United States, and as a law enforcement officer, I am authorized to execute warrants issued under the authority of the United States.

2. I am submitting this affidavit in support of a criminal complaint and arrest warrant charging **STUART CLAY MCDONALD (“MCDONALD”)** with knowingly receiving child pornography, in violation of 18 U.S.C. § 2252(a)(2) and (b)(1). For the reasons set forth below, I submit that probable cause exists to believe that from at least in or around May 2020 through at least in or around May 2021, **MCDONALD** knowingly received child pornography, in violation of 18 U.S.C. § 2252(a)(2).

3. Along with other agents and investigators of the FBI, I am currently involved in an investigation of **MCDONALD** for violations of federal crimes, including offenses pertaining to Transportation for an individual to engage in prostitution (18 U.S.C. § 2421), Coercion and Enticement (18 U.S.C. § 2422), Sex Trafficking (18 U.S.C. § 1591), Possession of Child Pornography (18 U.S.C. § 2252A(a)(5)(B), Receipt of Child Pornography 18 U.S.C. § 2252(a)(2), and Money Laundering (18 U.S.C. § 1956).

4. The statements contained in this affidavit are based on my experience and background as a criminal investigator, and on information provided to me by other members of the FBI and other law enforcement officers. I have personally participated in the investigation of the offenses set forth below and, as a result of my participation and my review of evidence gathered in the case, I am familiar with the facts and circumstances of this investigation. Since this affidavit is being submitted for the limited purpose of supporting a criminal complaint, I have not included every fact resulting from the investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause to believe that **MCDONALD**, has committed the offense as further described herein.

RELEVANT STATUTES

5. 18 U.S.C. § 2252(a)(2) states that it is a violation for any person to knowingly receive, or distribute, any visual depiction of child pornography using any means or facility of interstate or foreign commerce or that has been mailed, or has been shipped or transported in or affecting interstate or foreign commerce, or which contains materials which have been mailed or so shipped or transported, by any means including by computer, or knowingly reproduces any visual depiction for distribution using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce.

TERMINOLOGY

6. “Child Pornography” includes the definition in Title 18 U.S.C. § 2256(8) (any visual depiction of sexually explicit conduct where (a) the production of the visual depiction involved the use of a minor engaged in sexually explicit conduct, (b) the visual depiction is a digital image, computer image, or computer-generated image that is, or is indistinguishable from, that of a minor engaged in sexually explicit conduct, or (c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaged in sexually explicit conduct).

7. “Visual depictions” include undeveloped film and videotape, and data stored on computer disk or by electronic means, which is capable of conversion into a visual image (see 18 U.S.C. § 2256(5)).

8. “Minor” means any person under the age of eighteen years (see 18 U.S.C. § 2256(1)).

9. “Sexually explicit conduct” means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between persons of the same or

opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person (see 18 U.S.C. § 2256(2)).

STATEMENT OF PROBABLE CAUSE

10. In July 2021, Agents submitted an affidavit in support of a Federal Search Warrant for, among other locations, 9924 Arrowood Dr., Manassas, Virginia, 20111. In said affidavit, Agents established probable cause that this address was the primary residence of **MCDONALD**. On July 12, 2021, the Honorable Michael S. Nachmanoff, U.S. Magistrate Judge for the Eastern District of Virginia, signed and issued a search warrant as a result of that affidavit. During the subsequent July 15, 2021, search of the residence, **MCDONALD** confirmed he resided at the location.

- i. As referenced below, Agents executed a search warrant at **MCDONALD's** known residential address of 9924 Arrowood Dr., Manassas, Virginia 20111. At the time of the execution of that search warrant, Agents encountered **MCDONALD** at the residence. Additionally, Agents identified items and documents belonging to **MCDONALD** within the residence. Furthermore, **MCDONALD's** mother was at the same residence on the day of the execution of the Federal Search Warrant. **MCDONALD** is known to have been a caretaker of his elderly mother with whom he lived.
- ii. In September 2021, **MCDONALD** was arrested on Virginia state criminal charges related to the possession of child pornography. During recorded calls made by **MCDONALD** from the Prince William Adult Detention Center since his arrest, he confirmed that he resided at the location. For

example, **MCDONALD** asked his estranged spouse to retrieve items from his house. During interviews with that spouse, she confirmed that the house **MCDONALD** referred to is the residence located at 9924 Arrowood Dr., Manassas, Virginia, 20111.

11. On July 15, 2021, FBI Special Agents executed a Federal Search Warrant at 9924 Arrowood Dr., Manassas, Virginia, 20111. The July 15, 2021 warrant permitted agents to search a number of residences, massage parlors, and vehicles for evidence, contraband, fruits, or instrumentalities of violations of Title 18 United States Code Sections 2421 (transportation of any individual with intent to engage in criminal sexual offenses), 2422 (coercion and enticement of any individual to engage in criminal sexual acts), and 1956 (laundering of monetary instruments). Additionally, the warrant stated that there was probable cause to believe that violations of the above-listed statutes were being committed by **MCDONALD** and others. The warrant permitted the search and seizure of electronic storage media, including computers, that reasonably appeared to contain some or all of the evidence described in the warrant.

12. During the execution of this search warrant, Agents seized a Dell Ultrabook Latitude E7470 (hereinafter Dell Laptop Computer), Service Tag 2YX9KC2, along with other items.

- i. **MCDONALD'S** employer at the time that the above search warrant was executed, Bates White LLC, confirmed the Dell Latitude E7470 bearing Bates White LLC property tag BW100294 was issued to **MCDONALD**. During the examination of the Dell Laptop the login credentials used to logon to the computer listed the username as "clay" which is **MCDONALD'S** middle name.

- ii. A review of the Dell Laptop Computer revealed that upon selecting to log off from the “clay” credentials, the profile name is listed as “clay mcdonald”.
- iii. Email accounts located within the user credentials named “clay” include:
 - “stuart.mcdonald@bateswhite.com, **MCDONALD**’s company email address from Bates White LLC; and “claysql@gmail.com”, which has a user name listed as Clay McDonald.
 - 1. Subscriber information provided by Google in response to a Grand Jury Subpoena indicate that the subscriber name for email address claysql@gmail.com is Clay McDonald.
- iv. Found within the user credentials named “clay” are multiple “selfie” style photographs taken by an individual identified by your affiant and other investigators as **MCDONALD**.
- v. Photographs of checks made out to **MCDONALD** are located within folders found within the user credentials named “clay”.

13. During the subsequent examination of the Dell Laptop Computer in Manassas, Virginia, a law enforcement officer assigned to the FBI Computer Analysis Response Team (CART) identified an image consistent with possible child sexual abuse material that was located in a subfolder of the user credentials named “clay”. Referenced subfolder was located within the Dell Laptop Computer. The image appeared to show a minor/juvenile female posing in a sexually explicit manner that lasciviously displayed her genitals. Consistent with FBI policy, CART personnel halted the ongoing examination of the Dell Laptop Computer.

14. On September 3, 2021, a search warrant was issued by U.S. Magistrate Judge, the Honorable Michael S. Nachmanoff, U.S. District Court for the Eastern District of Virginia for the purpose of conducting a search of the Dell Laptop Computer to identify potential evidence in violation of Title 18 U.S.C. § 2252A(a)(5)(B), Possession of Child Pornography. This search warrant (September 3, 2021 Search Warrant) was executed by an FBI CART certified Special Agent assigned to the Northern Virginia Resident Agency of the FBI.

15. Your affiant, along with other investigators, conducted a review of the electronic evidenced obtained by the CART Analyst during execution of the September 3, 2021 Search Warrant. Your affiant's review included the extraction of multiple images and videos of potential Child Sexual Abuse Material contained within the allocated space¹ on the encrypted and unencrypted files stored on the Dell Laptop Computer hard drive.

16. During the examination of the Dell Laptop Computer a review of the web browser history by user credentials named "clay" was conducted. The user credentials named "clay" visited several URLs in which files containing potential Child Sexual Abuse Material were downloaded to the "clay" user credentials in various locations on the Dell Laptop Computer.

17. On or about May 28, 2021, user credentials named "clay" visited a URL where a file named "MORE SWEET YOUNG LADIES 4 9 20.rar" was downloaded. The downloaded file "MORE SWEET YOUNG LADIES 4 9 20.rar" is a compressed file requiring the recipient of the file to decompress the file in order to view the contents. The user of the "clay" credentials saved this file onto the Dell Laptop Computer to the following file path: (//home/clay/downloads/MORE SWEET YOUNG LADIES 4 9 20.rar). A review of the contents

¹Allocated Space are areas within a computer hard drive that have been designated as available and being used to store data that is referenced by the operating system. In other words, space that is actively being used by the computer and not "residual" data.

of this file revealed numerous images of potential Child Sexual Abuse Material which included, but is not limited to the following items:

- i. File name “10y doggystyle (2).jpeg”, an image of what appears to be 3 pre-pubescent females who are naked. Two adult males are also naked in the photograph. One of the females is penetrated by an adult male penis from behind as she lay face down. Another one of the females is penetrated by an adult male penis from behind as she is bent over forward at the waist. The third female is depicted sitting naked while watching.
- ii. File name “classic-256x256.jpg, an image of what appears to be a pre-pubescent female. The image contains 9 thumbnail images which show the female child displaying her chest and genitalia. The same female is shown with an unidentified adult male penis inserted into her mouth. The same apparently pre-pubescent female child is shown with an unidentified adult male penis penetrating her vagina.
- iii. File name “dgo (1).jpg, an image of what appears to be a pre-pubescent female. The image contains 8 thumbnail images which depict the same female in multiple poses while displaying her genitalia and chest. The female is depicted with an unidentified adult male penis inserted into her mouth.

18. On or about May 28, 2021, user credentials named “clay” visited a URL where a file named “kin319.part2.rar” was downloaded. The downloaded file “kin319.part2.rar” is a compressed file requiring the recipient of the file to decompress the file in order to view the contents. The user of the “clay” credentials saved this file onto the Dell Laptop Computer to the

following file path: (//home/clay/downloads/ kin319.part2.rar). A review of the contents of this file revealed numerous images of potential Child Sexual Abuse Material which included, but is not limited to the following items:

- i. File named “kin (5).mp4” a 9 minute 19 second video which depicts what appears to be a pre-pubescent female child fully dressed. An off-camera male is heard speaking to the child in a foreign language. The male appears to be giving the female child instructions. The child is observed undressing and displaying her breasts and vagina. The child is observed laying down. The male is then observed using his fingers to penetrate the child’s vagina then perform cunnilingus on the child. The male is then observed penetrating the child’s vagina with his penis.

19. On or about July 20, 2020, user credentials named “clay” visited a URL where a file named “sRo-ozAMxI-iYTmy.mp4” and a file named “049.mp4” were downloaded. The user of the “clay” credentials saved these files onto the Dell Laptop Computer to the following file paths: (//home/clay/Documents/01_Advertising/MESSAGE_SPA_MODELS/VIDEOS/sRo-ozAMxI-iYTmy.mp4), (//home/clay/Documents/01_Advertising/MESSAGE_SPA_MODELS/VIDEOS/049.mp4). A review of the contents of these files revealed videos of potential Child Sexual Abuse Material which included, but is not limited to the following items:

- i. File named “sRo-ozAMxI-iYTmy.mp4”, a 1 minute 16 second video which depicts what appears to be a pre-pubescent female. During the video the female child is instructed by an off-camera unidentified male voice. The male voice says, “pull your panties to the side and show me

that little pussy”. In response, the female child displays her genitalia. The male voice says, “lick your finger and rub it up and down that pussy”. In response, the female child does as instructed. The male voice says, “let me see inside”. The female child again does as instructed and displays her genitalia.

- ii. File named “049.mp4”, a 2 minute 24 second video which depicts what appears to be an underage post-pubescent female. The female appears to be typing into a computer keyboard and responding by voice. In the background of the video there is a brown in color canine to whom the female refers to as “Casey”. The female says, “Okay, how long?” as she appears to be typing into a keyboard. The female then says, “He won’t do it that long, just to let you know”, and “I can only do it ‘til Casey doesn’t want to, okay?”. The female then displays her genitalia as she calls over the canine. The female then pulls the canine close to her genitalia. The canine is observed licking the female’s genitalia.

20. On or about July 15, 2020, user credentials named “clay” visited a URL where a file named “mum00137_dmb_2.mp4” was downloaded. The user of the “clay” credentials saved this file onto the Dell Laptop Computer to the following file path: (//home/clay/Documents/01_Advertising/MESSAGE_SPA_MODELS/VIDEOS/mum00137_dmb_w.mp4). A review of the contents of this file revealed a video of potential Child Sexual Abuse Material which included, but is not limited to the following item:

- i. File named “mum00137_dmb_2.mp4”, a 3 minute and 20 second video which depicts what appears to be a pre-pubescent female. During the

video, the female child is depicted naked, displaying her chest and genitalia. The female child's vagina is penetrated by objects, an unknown male's fingers, and an unknown adult male's penis. The female child is depicted being forcibly raped by an unknown male as the child screams. The female child is depicted being bonded with duct tape. The female child is depicted urinating. The female child is observed having an unidentified male's penis ejaculate into her mouth.

21. On or about May 4, 2020, user credentials named "clay" visited a URL where a file named "bEADD02SeQp_ibtS.mp4" was downloaded. The user of the "clay" credentials saved this file onto the Dell Laptop Computer to the following file path: (//home/clay/Documents/Private/bEADD02SeQp_ibtS.mp4). A review of the contents of this file revealed a video of potential Child Sexual Abuse Material which included, but is not limited to the following item:

- i. File named "bEADD02SeQp_ibtS.mp4" a 44 second video which depicts what appears to be a pre-pubescent female child laying on her back. The child is wearing a pink in color sweater over a pink dress featuring a cartoon character that is pulled up to reveal white underwear. The child is posed with her legs held high and spread apart. An adult hand is observed moving the underwear to the side, exposing the child's vagina. Then a penis is observed being rubbed against and penetrating the child's vagina. The penis is then observed being masturbated and ejaculating onto the child's vagina.

22. The herein referenced review of the Dell Laptop Computer revealed up to 197 images and 22 videos of unencrypted files containing potential Child Sexual Abuse Material and up to 175 images and 86 videos of encrypted files containing potential Child Sexual Abuse Material.

23. On September 9, 2021, a Detective with the Prince William County Police Department obtained a Commonwealth of Virginia Arrest Warrant for **MCDONALD** based on some of the same facts alleged in this affidavit. More specifically, for charges of Commonwealth of Virginia Code Section 18.2-374.1:1, Possession of Child Pornography. Your affiant, along with other Agents and investigators conducted an arrest of **MCDONALD** for the facts alleged in that Arrest Warrant, referenced in this paragraph.

24. On September 10, 2021, a Search Warrant was executed at **MCDONALD's** residence located at 9924 Arrowood Dr, Manassas, VA 22191 by the Prince William County Police Department pursuant to the Commonwealth of Virginia Code Section reference above. This warrant was issued on September 10, 2021 to Prince William County Police Department Detective A. McLaughlin. This search warrant resulted in the discover and seizure of multiple electronic devices for which the FBI will attempt to execute a search warrant to determine the existence of potential Child Sexual Abuse Material.

CONCLUSION

25. Based on the foregoing, and on my training, experience and participation in this and other investigations, I submit there is probable cause to believe that **STUART CLAY MCDONALD** has knowingly received child pornography, in violation of 18 U.S.C. § 2252(a)(2). I therefore respectfully request that a criminal complaint and arrest warrant be issued for **MCDONALD**.

Respectfully submitted,

Marc Daniel Hess

Marc Daniel Hess, Special Agent
Federal Bureau of Investigation

Attested to by the applicant in accordance with
the requirements of Fed. R. Crim. P. 4.1 by
telephone this 10th day of December, 2021.



Digitally signed by Ivan Davis
Date: 2021.12.10 12:49:51
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The Honorable Ivan D. Davis
United States Magistrate Judge